

# TOWN OF SHIRLEY



## ANNUAL TOWN MEETING WARRANT

*Including*  
**REPORT & RECOMMENDATIONS**  
*of the*  
**FINANCE COMMITTEE**

**7:15pm**  
**Monday, June 12, 2006**

**Shirley Middle School Auditorium**  
**1 Hospital Road**

**PLEASE BRING THIS BOOKLET WITH YOU  
TO THE TOWN MEETING**

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# Message from the Finance Committee

May 24, 2006

To the Voters of Shirley,

The Town of Shirley is required, by law, to approve a balanced annual operating budget. To achieve this objective, we must balance revenues (local taxation, fees, State contributions, grants) and expenses (operating costs, capital costs, debt service).

There are restraints imposed on generation of revenues; proposition 2 1/2 limits the increase in taxes levied by the town to 2½% annually, unless the citizens vote to override this limit. The Finance Committee, working in conjunction with the Board of Selectmen, the Treasurer, and Town departments and committees, endeavors to craft a budget that provides for town services and does not exceed the projected revenues. To do this, services are prioritized, with public safety and education foremost. It should also be recognized that some town services are state-mandated, and thus must be funded. The results of this effort are presented in this Town Meeting Warrant.

## **The Fiscal Year 2007 Budget Process**

For fiscal year 2007 (FY07), which begins July 1, 2006, the Finance Committee recommends an operating budget of \$13,164,919.44. This represents a spending increase of \$172,157 over the budget approved at the FY06 Annual Town Meeting. Elements of the budget that are increased over last year include salaries, service contracts, unemployment insurance, retirement assessment, and health/general insurance premiums. Most of these increases are non-discretionary.

The growth in local taxation for FY07 totals \$135,000. Net receipts/revenue from local sources is increased from FY06 to \$6,686,974. Available free cash in FY07 is \$333,214, which is \$67,018 less than FY06. State aid, exclusive of Chapter 70 monies, is expected to be \$155,000 more than FY06, and MCI mitigation funds are essentially unchanged, estimated to be \$160,000. To support the recommended increase in spending, all available free cash will be used, as well as \$100,000 from the Stabilization Fund, leaving \$266,028 in that fund.

In addition to funding the operating budget, the FY07 budget includes ongoing support of the capital plan. This allows purchase of items that cannot be absorbed in the departmental operating budgets. Some of these items are purchased with cash; more costly items are funded through the bonding process, allowing the cost to be amortized over the life of the item.

For FY07 the Finance Committee is recommending that the requested budgets for each department be funded with the exception of the Zoning Board of Appeals. The request for an increase in hours for the administrative assistant was received with inadequate justification; Finance Committee supports the change from stipend to hourly wages for this position, but recommends that the hours and funding for this position remain the same.

## **School Department Budget, School Transportation**

Supporting the education of our children represents the single largest expenditure of the Town, commensurate with the importance of this effort. For FY07, the Finance Committee is recommending a total budget for the school department of \$6,798,564, which is \$100,000 greater than the amount appropriated at the annual town meeting in June, 2005.

The School Department has developed a budget that aligns with the recommended funding level. This budget includes funds for operating the Lura A. White School and the Shirley Middle School, which offer education for children in grades 1 through 8. Also included are out-of-district high school and special education, school administration, some transportation for students, and pre-school and kindergarten at the Center and Devens Schools. Detailed budget information is available from the School Department.

## **Salaries**

This year's ATM Warrant includes one article (#12) to fund salary and wage increases for non-school employees (non-union). This article includes any updates to the Grade and Scale Classifications for employees. This increase amounts to approximately 2.4% or \$48,000 which is consistent with cost-of-living increases as reported by the United States Department of Labor.

## **Capital Plan**

In FY03, the Town approved an amendment to the Capital Plan By-law that reduced our *required* annual expenditure from "at least 3.5%" of the annual Town budget to "at least 2%". This change does not reflect a reduction in the Town's capital requirements, but is driven by the budget constraints that the Town is facing during these times of economic challenge. The Finance Committee is committed to the goal of returning to the 3.5% level as the economic climate allows.

In FY07, the Finance Committee is recommending a capital plan with a total expenditure of \$534,333.

At the FY05 ATM an engineering study was approved for the Lura A White School. This study was concluded during FY06. The Board of Selectmen and the School Committee need to work together during FY07 to determine how the recommendations of the study should be implemented, and how the expenditures will be funded. No Lura A White capital expenditures are scheduled for FY07; they have been incorporated into the capital plan in FY08 and beyond until implementation plans are finalized.

## **Conclusion**

While the Finance Committee hopes that you will seriously consider our recommendations, it is important that you vote your priorities with a reasoned understanding of the revenue constraints that face the Town vs. the service needs of the Townspeople. We look forward to seeing you at Town Meeting.

Cheryl Hayden, Chair  
Dr. Dreama Sloan-Kelly, Vice Chair  
Frank Kolarik  
Rob Mitchell

Ellen Doiron  
Heidi Humecky  
Michael Smith  
Bobbi Jo Colburn, Town Accountant

# Free Cash

Free Cash is an annual accounting of the balance remaining after reconciling the Town's actual revenues and actual expenditures for the prior year. Free Cash can be either a positive or negative amount, depending on whether or not the actual revenues received by the Town exceeded the actual expenditures made by the Town during the prior year.

Once Free Cash has been "certified" by the State's Bureau of Accounts, the money can be appropriated by Town Meeting for any municipal purpose.

By its very nature, Free Cash is not predictable. Over the last fourteen years, the Town has seen wide swings in the amount of Free Cash available.

<u>Fiscal Year</u>	<u>Certified Free Cash</u>
FY1993	\$ 201,510.00
FY1994	\$ 42,807.00
FY1995	\$ 48,163.00
FY1996	\$ 75,400.00
FY1997	\$ 488,652.00
FY1998	\$ 222,373.00
FY1999	\$ 431,340.00
FY2000	\$ 556,673.00
FY2001	\$ 629,633.00
FY2002	\$ 761,734.00
FY2003	\$ 473,754.00
FY2004	\$ 302,529.00
FY2005	\$400,232.00
FY2006	\$333,214.00

This serves to demonstrate the unpredictable nature of Free Cash. This is why the Finance Committee does not, generally, recommend dependence upon significant amounts of Free Cash from the prior year to fund ongoing operational costs in the annual budget. We believe that a prudent fiscal policy is to use these funds for non-recurring expenses, such as capital items. Free cash, when available, is also a way of maintaining the Stabilization Fund at adequate levels with no direct impact on the current year's budget.

This year's budget challenge will again cause us to depart from this basic fiscal principle. Reluctantly, the Finance Committee will recommend using all available Free Cash to balance the FY07 Operating Budget.

Over the next few years we must consider the following:

During periods of economic growth, revenues tend to be *better* than expected and *at the same time* (since budgets are well funded) expenditures tend to be *less* than budgeted. This makes for increased Free Cash.

The opposite is true during economic slow-downs. Revenues are not likely to exceed projections, and, because budgets are tight, expenses generally equal or exceed budget. This results in a compression, or *reduction* in available Free Cash. [During the last economic slowdown, the years of 1992 – 1996, Free Cash averaged only \$78,000 per year]

Given the very tight budgeting the Town has been going through in the past few years, it is anticipated that we will experience a reduction in unexpended funds (surplus) in any given account in FY06. We also do not anticipate any unforeseen or one-time revenues of significance (most of these types of revenues were utilized to balance the FY06 budget). Thus, Free Cash availability should not be depended on for future budgets.

# Stabilization Fund

The Town of Shirley established the Stabilization Fund to:

- Provide a source of funding for significant, extraordinary and unforeseen expenses.  
Without a Stabilization Fund the Town would risk having to deal with a large single-year increase in the tax rate to generate enough revenue to cover the unanticipated expense.
- Provide a mechanism for “stabilizing” the annual budget in the event that an economic downturn should severely depress property values resulting in a significant decrease in tax revenue.  
Again, without a Stabilization Fund the Town would risk having to deal with a large single-year increase in the tax rate to generate enough revenue to “make up” the loss of tax revenue due to the erosion of the tax base. Alternatively, the Town could choose to make drastic reductions in Town services in order to avoid incurring expenses not covered by the available revenues.

In order for the Stabilization Fund to be able to provide a reasonable “safety net”, it is critical that it be adequately funded. The Finance Committee believes that a prudent fiscal policy targets a Stabilization Fund of 5% - 10% of the annual operating budget.

The Town will reap two added financial benefits from the Stabilization Fund:

- Better interest rates on municipal borrowing  
The on-going commitment by the Town to have and maintain an adequate Stabilization Fund is one of the criteria used by the investment community to determine the Town’s Bond Rating. A Stabilization Fund that consistently does not meet the minimum level of 5% of operating budget, would have a *negative* effect on the Town’s Bond Rating. A lower Bond Rating will result in the Town paying a higher rate of interest on any Municipal borrowing. Recently, the Town of Malden received a downgrade in its Municipal Bond Rating with the Stabilization Fund falling below 5% being cited as one of the reasons.
- Interest Income on Fund balance  
The Stabilization Funds are held in interest bearing accounts, or invested, and return interest and/or dividend income to the Town.

Finally, any disbursement from the Stabilization Fund requires a 2/3 vote of Town Meeting, rather than a simple majority. This added protection makes it very difficult for any special interest group to come “en masse” to Town Meeting and vote to expend the Stabilization Fund. The decision to expend the Stabilization Fund must be a non-partisan decision.

To put all this in perspective, the following table is provided to help Shirley’s Voters understand the magnitude of these targets.

# Stabilization Fund

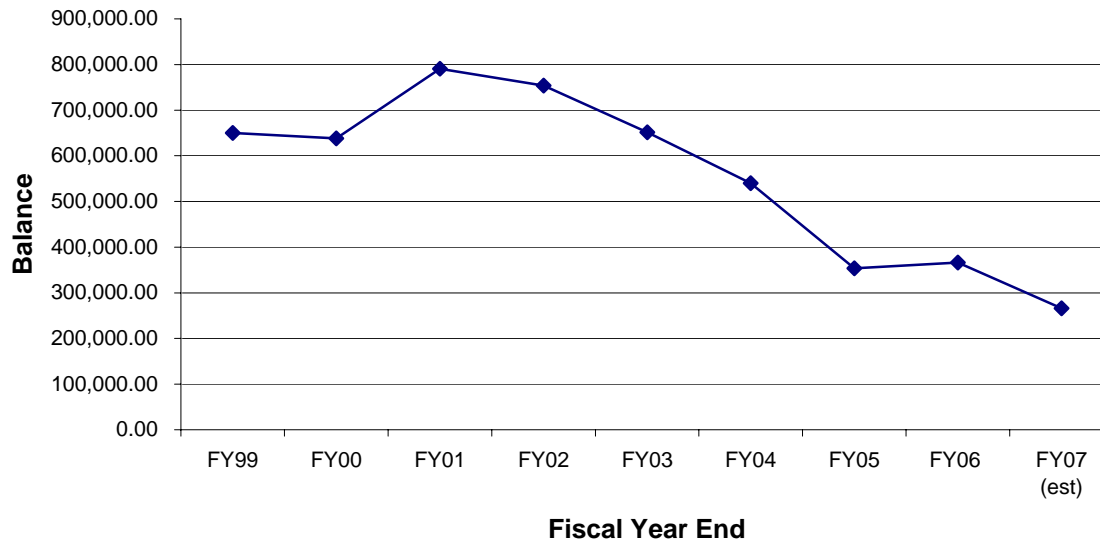
## Funding Proposal for FY07

<b>Current Stabilization Fund Balance</b>	<b>\$366,028.26</b>
<b>FY07 Projected Operating Budget</b>	<b>\$13,164,919.44</b>
<b>Percent of FY07 Operating Budget</b>	<b>2.8%</b>
<b>2.50%</b>	<b>\$329,122.99</b>
<b>5%</b>	<b>\$658,245.97</b>
<b>7.50%</b>	<b>\$987,368.96</b>
<b>Proposed FY07 Consumption per Finance Committee recommendation</b>	<b>\$100,000.00</b>
<b>Percentage Decrease</b>	<b>27%</b>
<b>Proposed New Stabilization Fund Balance</b>	<b>\$266,028.26</b>
<b>Percent of Operating Budget</b>	<b>2.0%</b>

Additionally, the following chart illustrates the stabilization fund balance over time (values are the stabilization balance at the end of each fiscal year.)



### Stablization Fund Balance



As can be seen in the above chart, Shirley has experienced a steady decline in the Stabilization Fund balance, leveling off last year. It is imperative that this trend be reversed in the coming years.

In order to balance the FY07 operating budget, it will be necessary to utilize a significant portion of the available stabilization fund and dip further below the target balance of 5% of operating budget. While this is undesirable, the Finance Committee has considered the alternatives, which are increases in taxation or additional reductions in critical Town services resulting from further budget cuts.

The Finance Committee has concluded that the benefits of utilizing this funding source outweigh the disadvantages and we recommend the usage of \$100,000 from the Stabilization Fund to support the FY07 operating budget. This will permit the Town to provide much needed services, and essentially maintain the current level of services.

The Finance Committee recommends that the Town begin FY08 budget planning immediately following the FY07 ATM in order to devise contingency plans in the event that non-discretionary costs continue to outpace revenue growth. This should include a hard look at operations and Town “organizational structure” in an attempt to identify any cost savings that might be achieved through a restructuring effort of some kind (combining of services across departments, outsourcing of certain operational functions, etc.)

The Finance Committee also recommends that the Townspeople be consulted regarding the trade-off decisions that will likely need to be made in FY08: Should additional revenues be raised through taxation, through alternate means, or should additional services be cut in order to avoid tax increases.

# Proposition 2 ½

Proposition 2½ was adopted by the citizens of the Commonwealth of Massachusetts as an initiative petition in 1980.

Some of its principal provisions provide for the following:

- The limiting of property tax levy in a city or town to no more than 2½% of the total assessed fair cash value of all taxable real and personal property (Levy Ceiling).
- The limiting of the Annual Levy (the amount of money to be raised by property value taxation) to no more than a 2½% increase over the prior year's Annual Levy (with certain provisions for "New Growth").

Proposition 2½ contains certain provisions by which the voters can approve exceptions to the general limitations.

The Annual Levy can be increased by the adoption of an override. The voters of the city or town may vote to raise additional revenues by a specific amount. One or more override questions may be placed on the ballot in a general or special election. The increase approved by a majority of voters is permanent, and becomes part of the base for calculating future years' Annual Levy Limits. However, an override of the Proposition 2½ Annual Levy Limit does *not* allow the levy to exceed the Levy Ceiling. An override can be reversed by passage of an Underride.

The levy can also be increased by the adoption of a Capital Expenditure Exclusion (single year) or Debt Exclusion (length of the borrowing). The exclusion option is available if a community wishes to raise additional taxes to fund capital projects, which are defined as goods and/or services for which a town is authorized to borrow under M.G.L. Ch. 44 Section 7 & 8. This would include most public building and public works projects, as well as land and certain equipment purchases. These exclusions do *not* become part of the basis for calculating future years' Annual Levy Limits.

Once the amount to be raised is determined, a tax rate is calculated by dividing the amount to be raised by the total valuation of the Town.

Whether the tax rate of the Town will increase or decrease from the prior year depends on the levy decided upon by the Town and whether property values appreciate, depreciate or remain constant.

No tax rate shall be fixed in any city or town until the Massachusetts Commissioner of Revenue has approved that rate as "in compliance" with Proposition 2½.

# Glossary of Municipal Finance Terms

**Abatement:** A complete or partial cancellation of a levy imposed by a governmental unit; applicable to both tax levies and special assessments.

**Appropriation:** An authorization granted by Town Meeting to make expenditures and to incur obligations for specific purposes. An appropriation is limited in amount and the time during which it may be expended. Only a vote of Town Meeting or the School Committee can authorize money appropriated for one purpose to be used for another. Any amount which is appropriated may be encumbered. Any part of the general appropriation not spent or encumbered by June 30 automatically reverts back to the General Fund.

**Assessed Value:** The value placed upon a particular property by the local Board of Assessors for the purpose of apportioning the Town's tax levy among individual property owners in an equitable manner. It is done in accordance with the legal requirement that property be assessed at "full and fair cash value", and periodically certified by the Commonwealth of Massachusetts Commissioner of Revenue.

**Budget:** A financial operating plan that includes an estimate of proposed expenditures for a given time period, and the proposed means of financing them. A budget may be preliminary (the financial plan presented to Town Meeting) or final (the financial plan approved by Town meeting).

**Capital Expenditure Exclusion:** The Town votes to raise property taxes, for a single year only, in excess of the levy limit to fund a certain capital project.

**Capital Plan:** A plan of proposed capital outlays.

**Cherry Sheet:** The annual statement received from the Massachusetts Department of Revenue detailing the estimated receipts for the next fiscal year from the various state aid accounts, and the estimated state and county government charges payable by the assessors in setting the tax rate. The actual receipts and charges may vary from the estimates. (The cherry sheet is named for the cherry colored paper on which it was originally printed.)

**Debt Exclusion:** Exclusions are temporary property tax increases. Exclusions do not become part of the tax base and therefore do not result in permanent increases in the amount of property taxes a community can levy. The Town votes to approve a temporary increase in property taxes, in excess of the levy limit, to fund payment of special debt service costs. The additional amount of the debt exclusion vote is applied to the levy limit for each year of the life of the obligation.

**Debt Service:** Payment of interest and principal related to debt.

**Encumbrance:** Obligations such as purchase orders, contracts, or salary commitments which are chargeable to an appropriation, and for which a part of the appropriation is reserved.

**Expenditure:** The spending of money by the Town for the programs and/or projects within the approved budget.

**Fiscal Year:** A 12-month period, commencing July 1 and ending June 30, to which the annual budget applies. At the end of each fiscal year the Town determines its financial position and the results of its

operation. The fiscal year is determined by the calendar year in which it ends; FY05 is the fiscal year that ends on June 30, 2005.

**Free Cash:** Also referred to as “undesignated fund balances”. Certified after the *close* of each fiscal year by the Commonwealth of Massachusetts, this is the portion of the Fund Balance available for appropriation. It is not cash, but rather, it is approximately the total of cash and receivables less current liabilities and earmarked reserves, reduced also by reserves for uncollected taxes. As such, it must be considered a “non re-occurring” source of funds. The Town cannot plan for or budget for “Free Cash”, since it cannot be predicted. Neither the availability of, nor the amount of “Free Cash” in any given year or years, can be assumed to be indicative of the availability or amount of “Free Cash” that may be certified in any subsequent year.

**General Fund:** The fund into which the general (non-earmarked) revenues of the Town are deposited, and from which money is appropriated to pay expenses.

**General Obligation Bonds:** Bonds issued by the Town which are backed by the full faith and credit of its taxing authority.

**Local Receipts:** Taxes and fees collected by the Town.

**Net School Spending:** The minimum total direct and allocated expenditures that the Town must spend on education, as determined by the Commonwealth of Massachusetts Department of Education.

**Overlay:** The amount raised from the property Tax Levy in excess of appropriations and other charges. It cannot exceed 5 percent of the levy, and is used to cover abatements and exemptions granted locally and on appeal.

**Overlay Surplus:** The unused portion of the previous year’s overlay. At the end of each fiscal year, this amount is computed from information provided by the Board of Assessors, and becomes part of “Free Cash”.

**Override:** A vote to increase the amount of the property tax levy by more than the automatic annual 2½ percent plus new growth.

**Reserve Fund:** A fund appropriated each year that may be used by the Town for “extraordinary or unforeseen expenditures”. The Reserve Fund is, by statute, administered by the Finance Committee.

**Revolving Fund:** Those funds which may be used without appropriation and which are established for special uses. Fees (as for recreation) may be paid into a revolving fund. Revolving funds are established by state law or Town by-law.

**Stabilization Fund:** A special reserve fund that may accumulate and carry forward balances from one fiscal year to another. The fund is established to provide a source of funding for significant extraordinary, unforeseen expenses and/or to provide a mechanism for “stabilizing” the annual budget in the event that an economic down-turn depresses property values. Requires a 2/3 vote of Town Meeting to expend funds.

**Tax Levy:** The total dollars assessed in property taxes by the Town each fiscal year. The amount is computed by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed “per thousand dollars of assessed valuation”, for example:

*House value:* \$200,000

*Tax Rate:* \$13.57 (per thousand)  
*Levy:* \$2,714 (\$13.57 multiplied by \$200,000 and divided by \$1,000)

Proposition 2½ restricts the amount of property taxes that the town can levy to 2½% of the total assessed value of its taxable property (Levy Ceiling). It also constrains the annual increase in the Annual Levy Limit to 2½% of the prior years Annual Levy Limit plus provisions for “New Growth”, plus Overrides, plus Capital Expenditure Exclusions, plus Debt Exclusions.

**Underride:** A vote to decrease the amount of the property tax levy to a level lower than the automatic annual 2½ percent plus new growth.

**Warrant:** A list of items to be voted at Town Meeting.

## **Terms Associated with Proposition 2 ½**

**Annual Levy Limit (Secondary Levy Limit):** Prior levy limit plus 2 ½ percent plus new growth revenue.

**Excess Levy Capacity:** The difference between the Town’s maximum annual tax levy limit, as established by Proposition 2 ½, and its actual tax levy for the current fiscal year. It is additional tax levy that the Town could raise without asking voters for an Override, a Capital Expenditure Exclusion, or Debt Exclusion.

**Levy Ceiling (Primary Levy Limit):** 2 ½ percent of the certified full or fair cash value of the taxable property.

**New Growth Revenue:** The amount of property tax revenue that the Town can add to its allowable tax levy as a result of new construction, alterations, subdivision, or change of use which increases the value of a parcel by more than 50 percent or at least \$100,000. It is *not* the result of revaluation or normal market-based appreciation. The purpose on “New Growth” is to recognize that new development will bring additional municipal costs (schools, roads, public safety).

# Town Meeting Procedures

George H. Knittel  
Town of Shirley Moderator

The town of Shirley holds an annual town meeting (ATM) once a year in the Spring, and other special town meetings (STMs) as needed during the year. At town meetings, voters exercise the traditional powers of the legislative branch of government – the making of bylaws and town budgets. Each town meeting is open to all who want to attend, but only Shirley registered voters may speak, make motions, and vote. Non voters may speak, at times, with permission. New England town meetings are democracy in action and a precious part of our heritage.

Procedure at town meetings is governed by Massachusetts state law, the town of Shirley bylaws, and the book *Town Meeting Time, A Handbook of Parliamentary Law* – copies of which are available in the Shirley library. The town of Shirley moderator presides at all town meetings. The moderator's function, as specified in both state law and the Shirley bylaws, is to "preside, regulate the proceedings, decide all questions of order and make public declaration of all votes".

There are many details of procedure at town meetings not specified in the documents just referenced, and so your moderator has prepared a document on the most common motions and procedures. It is titled *Shirley Town Meeting Procedures* and is available on the town website and at the town clerk's office. This document has been updated in May 2006.

Some of the most important information needed for Shirley town meetings is summarized here.

## **To participate in the meeting and vote**

1. Be checked in at the entrance to the meeting room and receive a colored voter card.
2. Sit in the voter's section of the room.

## **To speak at the meeting**

1. Raise your hand and be recognized by the moderator.
2. Go to the nearest microphone, state name and address, and speak into the microphone.

Notes:

No one may speak more than 3 times on any question unless leave of the moderator is first obtained. Please complete your remarks within 3 minutes so that others may have the opportunity to speak too. Any person employed as an attorney by another interested in a matter under discussion shall disclose the fact of his or her employment before speaking thereon.

All comments should be addressed to the moderator, should be confined to the matter under discussion, and should relate to the facts of the matter and/or the speaker's position on the facts. No one should denigrate or impute motives to a person or board or committee.

## **To make a motion**

1. Raise your hand and be recognized by the moderator.
2. Go to the nearest microphone, state name and address, and speak into the microphone.
3. State the motion verbally, wait for a second, then present it in writing to the moderator.

Notes:

All motions, other than parliamentary motions such as “calling the question”, must be seconded and presented in writing. When possible, please prepare written motions in 4 copies before the meeting so as to save time at the meeting.

Motions must be within the scope of the warrant article under discussion. A motion to appropriate funds must indicate the source from which the funds are to come.

Motions which are amendments to a main motion already under consideration take precedence over the main motion and are therefore discussed and voted upon before the main motion. Only two motions to amend may be active at any time. After one of these amendments has been voted, an additional amendment may be offered.

The main motion under an article may be somewhat different from what was published in the warrant. This is permissible as long as the motion is within scope of the article. When the main motion under an article is not the same as the published article, the mover of the motion should identify the differences so that everyone will know.

What is to be discussed and voted upon during town meeting is not the article as published, but the motion made under the article. The purpose of the article as published is to inform the voters of the matter to be considered by town meeting.

### **To second a motion**

1. Simply call out “Second” or “I second the motion.”

Notes:

This is an exception to the requirement of raising hand and being recognized before speaking.

### **To end debate and bring about a vote**

1. Raise your hand and be recognized by the moderator.
2. Go to the nearest microphone, state name and address, and speak into the microphone.
3. State “I move the previous question.” or “I call the question.”

Notes:

This motion, when seconded and approved by a 2/3 majority, ends debate on a question and brings about an immediate vote. The motion to call the question is itself not debatable.

A voter may not first speak to a question and then move to call the question. However, it is permissible to speak to a question and then at a later time, after being recognized again by the moderator, to call the question.

### **To question a non-counted vote**

1. Immediately after a non-counted vote is declared by the moderator, stand and state “I question the vote.”
2. The moderator will ask if there are 6 other people who will stand in support of your statement. If so, the moderator will ask for a show of hands to determine the vote by counting.

Notes:

This is an exception to the requirement of raising hand and being recognized before speaking.

When the moderator declares a vote without counting, he or she must take a count if 7 or more people immediately stand to question the vote declaration.

### **Point of order**

1. Stand and state "point of order".
2. The moderator will ask for an explanation of your point of order and then respond to it.

Notes:

This is an exception to the requirement of raising hand and being recognized before speaking. It is one of just two possible motions which may interrupt a speaker. On a point of order, a voter may raise one or more of the following questions.

- a. Is the speaker entitled to the floor?
- b. Is what the speaker is saying or proposing indecorous, frivolous, irrelevant, illegal, or contrary to proper procedure?
- c. Is any pending action frivolous, irrelevant, illegal, or contrary to proper procedure?

### **Question of privilege**

1. Stand and state "question of privilege".
2. The moderator will ask for an explanation of your question of privilege and then respond to it.

Notes:

This is an exception to the requirement of raising hand and being recognized before speaking. It is the other of just two possible motions which may interrupt a speaker. Questions of privilege relate to the safety, dignity, and integrity of the meeting, and to the rights, reputation, and conduct of the voters. Examples are noise in the room which makes it difficult to hear the speaker, and the speaker indulging in personalities.

\*\*\*\*\*

In Shirley, there is no town bylaw concerning whether the appropriation amounts published in the warrant may or may not be amended upward. And, usually, the warrant itself is silent on this issue. Therefore, it falls to the moderator to establish a fair and reasonable policy. After much thought and after reviewing policies in other towns, your moderator has decided upon the following policy for Shirley. Amendments to change appropriation amounts from the warrant amounts, if made, will be accepted up to a 10% increase or up to a \$1000 increase, whichever is more, and up to a 100% decrease. It will then be up to the meeting to debate the amendments and vote yes or no. This 10% rule is believed to be a reasonable compromise between protecting expectations of voters based on the warrant amounts, and permitting the meeting freedom to adjust the appropriation.

If wording in the warrant indicates "an amount not more than" or similar restrictions, amendments at town meeting to increase the amounts published in the warrant will not be accepted. But if no such restrictive wording is included in the warrant, amendments may be made for a modest increase as described above. The source of funds for the increase must be identified and the funds must be available from that source.



# Town of Shirley

## Massachusetts



# **WARRANT WITH FINANCE COMMITTEE RECOMMENDATIONS**

*for the*

# **ANNUAL TOWN MEETING**

**Monday  
June 12, 2006  
7:15 PM  
Shirley Middle School  
Auditorium  
1 Hospital Road**

**Town of Shirley  
Warrant  
Annual Town Meeting  
June 12, 2006**

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**NOTICE**

*If the business of this Warrant for the Annual Town Meeting is not concluded on June 12th, it is proposed to adjourn as follows, provided that the Meeting so votes:  
to Tuesday, June 13, 2006 at 7:15 p.m.; then to Tuesday, June 20, 2006 at 7:15 p.m.*

**Town of Shirley  
Annual Town Meeting  
June 12, 2006  
Warrant**

COMMONWEALTH OF MASSACHUSETTS  
MIDDLESEX, ss.

To any of the Constables of the Town of Shirley in said County,  
Greetings:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the  
Inhabitants of said Town, qualified to vote in Town affairs, to assemble in the Auditorium of the  
Shirley Middle School at 1 Hospital Road in Shirley Village on

**Monday, the Twelfth Day of June, 2006, at 7:15 p.m.,**

then and there to act on the following Articles:

**Article 1. Authorize the Moderator to Declare Two-Thirds Vote**

To see if the Town will authorize the Moderator, in accordance with Section 15 of Chapter 39 of the Massachusetts General Laws, to dispense with a count of votes and declare a two-thirds vote in those instances where a two-thirds vote is required by statute and the Moderator determines that a two-thirds majority has clearly been achieved.

Article 1 - Authorization for the Moderator to Declare Two-Thirds Vote Explanation:

*This Article permits the Moderator to dispense with the count and declare a two-thirds vote in those instances where a two-thirds vote is required by statute, and the Moderator determines that a two-thirds majority has clearly been achieved for this Annual Town Meeting. If any declared vote is contested immediately by seven or more voters, the Moderator shall then verify the count by a show of hands. Because some of the votes for tonight's meeting will require a two-thirds vote, by accepting this provision of the General Laws, it is anticipated that it will expedite the business of this Annual Town Meeting. Please note that by accepting this provision it would only allow the Moderator to declare a two-thirds vote for only this Annual Town Meeting.*

*A majority vote is required for passage of this Article.*

**Recommendation:**      *The Finance Committee recommends favorable action on Article 1.*

**Article 2. Accept Annual Town Report**

To see if the Town will accept the Reports of the Selectmen and other Town Officers for the Fiscal Year July 1, 2004 through June 30, 2005, as published and promulgated, a copy having been filed in the Office of the Town Clerk.

Article 2 - Accept Annual Town Report Explanation:

*M.G.L. Chapter 40, §49 requires the Selectmen to publish an Annual Report. It must include reports of the Selectmen, the School Committee, the Accountant, and the Treasurer, while participation by other Boards, Commissions, Committees, Officials, and Departments is voluntary. This Article provides for formal acceptance of the compiled Report, copies having been available in advance of Town Meeting.*

*A majority vote is required for the passage of this Article.*

**Recommendation:**      *The Finance Committee recommends favorable action on Article 2.*

### Article 3. Pay Prior Year's Bills

To see if the Town will appropriate the following sums of money, to be expended by the Departments indicated, in order to pay bills of a prior Fiscal Year for the goods or services described:

<u>Department</u>	<u>Vendor</u>	<u>Goods/Services</u>	<u>Amount</u>
Legal Expenses	Kopelman & Paige	Legal Service	\$ 121.50
Public Buildings - Expenses	Verizon	Phone Expenses	\$ 25.51
Fire Department – Expenses	KeySpan	Utilities	\$ 552.53
DPW – Expenses	Shirley Water District	Utilities	\$ 24.00

Such appropriation to be provided by transfer from available funds.

#### Article 3 - Pay Prior Year's Bills Explanation:

*In order for the Town to close its books on a Fiscal Year and submit financial reports to the Commonwealth on a timely basis, Departments must submit all charges against their budgets to the Town Accountant by July 15<sup>th</sup>. The Fiscal Year ends on June 30<sup>th</sup> of each year. However, on a few occasions, there are invoices that are received well past the July 15<sup>th</sup> deadline. These situations are usually associated with recurring monthly or quarterly bills. The four prior year bills contained in this article are just that and they have be carrying a "balance forward" since their initial charge.*

*MGL Chapter 44, §64 requires a super-majority of voters to approve the payments of prior year bills, 4/5<sup>ths</sup> at an Annual Town Meeting and 9/10<sup>ths</sup> at a Special Town Meeting.*

**Recommendation:**      *The Finance Committee recommends favorable action on Article 3.*

### Article 4. Appropriate/Transfer Funds for the Current Fiscal Year

To see if the Town will:

1. a) transfer **\$33,457.50** of the amount appropriated for the current Fiscal Year under Article 4 of the warrant for the June 13, 2005 Annual Town Meeting from line item #913 – "Unemployment Expenses" to line item #423 – "Snow & Ice Removal Expenses"; b) transfer **\$8,625.00** of the amount appropriated for the current Fiscal Year under said Article 4 from line item #321 – "Nashoba Valley Technical High School Expenses" to line item #711 – "General Fund Debt Service"; c) transfer **\$300.00** of the amount appropriated for the current Fiscal Year under said Article 4 from line item #321 – "Nashoba Valley Technical High School Expenses" to line item #916 – "FICA/Medicare General Expenses"; and d) transfer **\$10,000.00** of the amount appropriated for the current Fiscal Year under said Article 4 from line item #914 – "Group Health/Life Insurance" to line item #132 – "Reserve Fund".
2. transfer a) **\$3,209.00** of the amount appropriated for the current Fiscal Year under Article 4 of the warrant for the June 13, 2005 Annual Town Meeting from line item #321 – "Nashoba Valley Technical High School; b) **\$1,542.50** of the amount appropriated for the current Fiscal Year under Article 4 of the warrant for the June 13, 2005 Annual Town Meeting from line item #913 – "Unemployment Insurance"; and c) **\$25,000.00** of the amount appropriated for the current Fiscal Year under Article 4 of the warrant for the June 13, 2005 Annual Town Meeting from line item #914 – "Group Health/Life Insurance" to the Stabilization Fund.
3. appropriate **\$10,000.00** to be expended by the Ambulance Department for the current fiscal year in order to defray additional Health Insurance costs associated with the Shirley Ambulance Department; such amount to be provided from retained earnings of the Ambulance Enterprise Fund.

Article 4 - Appropriate/Transfer Funds for the Current Fiscal Year Explanation:

*This Article:*

- a) transfers funds from one budgetary line item with a projected surplus in its appropriation to another budgetary line items that have or will have projected deficits by Fiscal Year's end.
- b) transfers funds from one budgetary line item with a projected surplus in its appropriation to the Stabilization Fund. Once in the Stabilization Fund, it can then be reallocated to support the FY07 Operational Budget.
- c) appropriates an additional \$10,000 in the Ambulance Enterprise Fund for Health Insurance costs not budgeted.

*Paragraph 1 and 3 of Article 4 requires a majority vote for passage.*

*Paragraph 2 of Article 4 requires a two-thirds (2/3) vote for passage.*

**Recommendation:**      ***The Finance Committee recommends favorable action on Article 4.***

## **Article 5.    Transfer of Funds from Previous Authorizations**

To see if the Town will a) transfer **\$6,737.20** of the amount remaining from the appropriation voted under Article 18 of the warrant for the May 23, 2001 Annual Town Meeting, "Authorize Transfers for On-Going Projects" – Monitoring Conservation Restrictions (associated with Fort Devens); b) transfer **\$4,501.67** of the amount remaining from the appropriation voted under Article 18 of the warrant for the May 23, 2001 Annual Town Meeting, "Authorize Transfers for On-Going Projects" – Statutory Five-Year Review; and c) transfer **\$6,420.00** of the amount remaining from the appropriation voted under Article 10 of the warrant for the June 10, 1996 Annual Town Meeting, "School Needs Study," to the Stabilization Fund.

Article 5 - Transfer of Funds from Previous Authorizations Explanation:

*This Article transfers previously unexpended capital "cash" authorizations totaling \$17,658.87 to the Stabilization Fund: \$6,737.20 from a FY2002 capital "cash" authorization – Devens Conservation Restrictions Monitoring; \$4,501.67 from a FY2002 capital "cash" authorization – Devens 5-Year Review Report; and \$6,420.00 from a FY97 capital "cash" authorization for a School Needs Study. It is recommended that the total amount be transferred into the Stabilization Fund so that it may be reallocated to support the FY07 operating budget.*

*A two-thirds (2/3) vote is required for passage of this Article.*

**Recommendation:**      ***The Finance Committee recommends favorable action on Article 5.***

## **Article 6.    Adopt General Operating Budget for FY07.**

To see if the Town will appropriate a sum of money as and for the General Operating Budget of the Town for the period beginning July 1, 2006 through June 30, 2007, in order to defray the operations and other necessary and proper charges, costs, and expenses of the Boards, Commissions, Committees, Officers, and Departments of the Town, together with the payment of debt service, for said Fiscal Year 2007, with each item considered to be a separate appropriation, all as set forth below;

Such amounts to be provided by taxation and by transfer from available funds (Free Cash, Stabilization Fund, etc.).

Article 6 - Adopt General Operating Budget for FY07 Explanation:

*This Article presents the proposed Operating Budget of the Town for FY07, together with prior year approvals for spending comparisons. The Town has level fund spending on most budget items with the exception of budgets that have previous contractual obligations or mandatory increases in non-discretionary spending such as Health Insurance and Retirement Costs, etc.*

*The Proposed FY07 Budget recommends an additional \$100,000 in local contribution and “level-funding” of Chapter 70 for the School District. Please note that it is anticipated that the School District could receive up to \$146,382 in additional Chapter 70 funding, depending on the final Local Aid numbers from the State. Article 9 of this warrant proposes that any Chapter 70 Funds received in excess of the level funded budgeted \$3.995 million will be allocated directly to the Schools without further appropriation. Therefore, as of the printing of this Warrant, if the Governor’s Budget recommendation is approved, the Schools will receive \$131,957 in additional Chapter 70 funding; if the Senate Budget is approved the Schools will receive \$146,382 in additional Chapter 70 funding; and if the House Budget recommendation is approved, the Schools will receive \$44,350 in additional Chapter 70 funding, or any combination thereof.*

*Because a portion of the funding source for this Article will be coming from the Stabilization Fund, a two-thirds ( $\frac{2}{3}$ ) vote is required for passage of this Article.*

***Recommendation:***      ***The recommendations of the Finance Committee appear next to each line item in the proposed Budget.***







TOWN OF SHIRLEY FY07 BUDGET									
Line #	Department/Account Name	FY04 Expended	FY05 Expended	FY06 Approved	FY07 Requested	FY07 Recommended	Comments		
162	CONDUCT OF ELECTIONS								
	Expenses	8,205.19	8,476.80	9,500.00	9,500.00	9,500.00			
	<b>Total</b>	<b>8,205.19</b>	<b>8,476.80</b>	<b>9,500.00</b>	<b>9,500.00</b>	<b>9,500.00</b>			
171	CONSERVATION COMMISSION								
	Wages Hourly, Agent	18,778.71	19,648.21	20,130.80	20,131.00	20,131.00			
	Wages Hourly, Appointed	3,443.00	10,656.65	11,021.49	12,498.00	12,498.00			\$1,550 transferred from Wetland Filing Fees
	Transfer from Wetland Filing Fees	5,599.44	-	-	-	-			
	Expenses	171.52	2,163.32	1,850.00	2,025.00	2,025.00			
	<b>Total</b>	<b>27,992.67</b>	<b>32,468.18</b>	<b>33,002.29</b>	<b>34,654.00</b>	<b>34,654.00</b>			
175	PLANNING BOARD								
	Wages Hourly, Appointed	21,645.84	22,926.24	23,984.22	23,985.00	23,985.00			
	Expenses	1,905.26	2,104.90	3,693.00	3,293.00	3,293.00			
	<b>Total</b>	<b>23,551.10</b>	<b>25,031.14</b>	<b>27,677.22</b>	<b>27,278.00</b>	<b>27,278.00</b>			
176	ZONING BOARD OF APPEALS								
	Salary, Appointed Position	6,567.83	6,870.04	7,007.44	10,634.00	7,007.44			Requested 15 hours per week, change from stipend to and hourly rate.
	Expenses	736.53	1,056.14	850.00	1,000.00	1,000.00			
	<b>Total</b>	<b>7,304.36</b>	<b>7,926.18</b>	<b>7,857.44</b>	<b>11,634.00</b>	<b>8,007.44</b>			
192	PUBLIC BUILDINGS								
	Wages, Hourly	14,771.98	15,498.84	16,173.72	16,174.00	16,174.00			
	Utilities	17,922.18	34,934.84	35,000.00	44,000.00	44,000.00			Reallocated \$9,000 From Energy Reserve
	Phones	91,011.33	6,763.25	17,405.00	17,405.00	17,405.00			
	Repairs & Maintenance	-	2,476.30	2,500.00	2,500.00	2,500.00			
	Vehicle Maintenance		-	500.00	500.00	500.00			
	Misc Repairs		-	5,000.00	-	-			
	Expenses	17,007.52	13,153.89	13,050.00	13,050.00	13,050.00			
	Fuel Heat	14,688.60	-	-	-	-			
	<b>Total</b>	<b>155,401.61</b>	<b>72,827.12</b>	<b>89,628.72</b>	<b>93,629.00</b>	<b>93,629.00</b>			
211	POLICE DEPARTMENT								
	Appointed Position, Salary Chief	79,753.12	84,533.80	87,842.16	87,843.00	87,843.00			
	Appointed Position, Salary Lt	45,691.80	52,993.44	55,346.88	55,347.00	55,347.00			
	Appointed, Salary	37,539.36	39,296.16	40,382.00	40,382.00	40,382.00			
	Wages, Hourly Custodian	5,489.91	5,658.75	6,117.34	6,118.00	6,118.00			
	Salaries, Wages & Hourly (Union)	475,874.12	508,287.40	526,909.04	582,670.00	582,670.00			Per Contract, Annualize New Officer
	Chief, Training	-	-	2,595.00	-	-			
	Expenses	91,478.14	87,279.36	78,800.00	84,405.00	84,405.00			Reallocated \$4,500 From Energy Reserve
	<b>Total</b>	<b>735,826.45</b>	<b>778,048.91</b>	<b>797,992.42</b>	<b>856,765.00</b>	<b>856,765.00</b>			













## Article 7. Adopt Sewer Department Budget for FY07.

To see if the Town will appropriate \$1,384,493 to be expended by the Sewer Commissioners, as and for the Budget of the Sewer Department for the period from July 1, 2006 through June 30, 2007, in order to defray the operations and other necessary and proper charges, costs, and expenses of the Sewer Department for said Fiscal Year 2007, with each item considered to be a separate appropriation, all as set forth below; such amounts to be provided from estimated revenues of \$855,473 from Betterment Assessments and an estimated \$529,020 from User Fees.

### LINE 442: FY07 SEWER DEPARTMENT BUDGET

<u>Description</u>	<u>Appropriated FY06</u>	<u>Requested FY07</u>
Wages, Hourly	\$ 24,925	\$ 26,113
Health Insurance	\$ 9,705	\$ 10,700
Medicare	\$ 380	\$ 395
Contracted Services / Operations & Maintenance	\$ 394,017	\$ 377,612
General Operations / User Expenses	\$ 69,200	\$ 74,200
Devens Assessment	\$ 10,000	\$ 10,000
Reserve Fund	\$ 30,000	\$ 30,000
Capital Assessments & Debt Service / Betterment Expenses	\$ 832,056	\$ 855,473
<b>Total Sewer Department</b>	<b>\$ 1,370,283</b>	<b>\$ 1,384,493</b>
Sewer Enterprise Fund Indirect Cost Expenses	\$ 24,000	\$ 25,000
<b>Total Sewer Department Enterprise Fund Spending</b>	<b>\$ 1,394,283</b>	<b>\$ 1,409,493</b>

#### Article 7 - Adopt Sewer Department Budget for FY07 Explanation:

*The Budget of the Sewer Department has been set up under MGL Chapter 44 §53F-1/2 as an Enterprise Fund, essentially making it a self-contained operation through generation of its own revenues to support its expenses. This Budget has no direct impact on the tax rate. This Article presents the proposed budget for the Sewer Commission for FY07. Like FY06, indirect costs have been added to the Sewer Fund to support those costs incurred by the Town on behalf of the Enterprise Fund with the funds being deposited into the General Fund.*

*A majority vote is required for the passage of this Article.*

**Recommendation:**      *The Finance Committee recommends favorable action on Article 7.*

## Article 8. Adopt Ambulance Department Budget for FY07.

To see if the Town will appropriate \$98,340 to be expended by the Ambulance Department for the period from July 1, 2006 through June 30, 2007 in order to defray the operations and other necessary and proper charges, costs, and expenses of the Ambulance Department for said Fiscal Year 2007, with each item considered to be a separate appropriation, all as set forth below; such amounts to be provided from \$30,000 in retained earnings and estimated receipts of \$68,340 in User Fees to be charged by the Ambulance Department.

### LINE 231: FY07 AMBULANCE DEPARTMENT BUDGET

<u>Description</u>	<u>Appropriated FY06</u>	<u>Requested FY07</u>
Salary, Ambulance Director	\$ 12,000	\$ 12,000
Wages, Hourly – On-Call EMTs, Billing Clerk	\$ 28,000	\$ 28,000
EMT Stipends	\$ 4,350	\$ 4,350
Health Insurance	\$ 9,705	\$ 21,500
Medicare	\$ 600	\$ 650
Expenses	\$ 26,840	\$ 26,840
Reserve Fund	\$ 5,000	\$ 5,000



<b>Total Direct Ambulance Department Expenses</b>	<b>\$ 86,495</b>	<b>\$ 98,340</b>
Ambulance Enterprise Fund Indirect Cost Expenses	<u>\$ 30,803</u>	<u>\$ 32,000</u>
<b>Total Ambulance Enterprise Fund Spending</b>	<b>\$ 117,298</b>	<b>\$ 130,340</b>

Article 8 - Adopt Ambulance Department Budget for FY07 Explanation:

*In FY02, the Town converted the financing of the Ambulance Department from a Revolving Account to an Enterprise Fund. This article represents the proposed budget for the Ambulance Department for FY07. Funds to support this article are provided from the proceeds of User Fees to be charged by the Ambulance Department and the Ambulance Enterprise Fund Retained Earnings (Free Cash). Like FY06, indirect costs have been added to the Ambulance Fund to support the Fire Department Personnel with the funds being deposited into the General Fund.*

*A majority vote is required for the passage of this Article.*

**Recommendation:**      *The Finance Committee recommends favorable action on Article 8.*

## **Article 9.    Appropriate Chapter 70 Funds & School Transportation Aid.**

To see if the Town will: a) appropriate, for direct expenditure by the School Department, together with the amount appropriated under Line #300, in Article 6 of this Warrant, any and all amounts received in excess of \$3,995,219 associated with the Commonwealth's Local Aid, Chapter 70 funds, for Fiscal Year 2007; and b) appropriate, for direct expenditure by the School Department, together with the amount appropriated under Line #334, in Article 6 of this Warrant, any and all amounts received in excess of \$0.00 associated with the Commonwealth's School Transportation Aid for Fiscal Year 2007.

Article 9 - Appropriate Chapter 70 Funds & School Transportation Aid Explanation:

*The Commonwealth distributes Local Aid under various headings. Chapter 70 Aid and Transportation Aid are for the operation of school districts. The State is supposed to advise municipalities of their Local Aid before Annual Town Meetings vote their local Budgets. Sometimes, also, the State releases additional Local Aid later in the Fiscal Year. As this Warrant goes to press, the Commonwealth has yet to finalize the FY07 budget. The Budget in this Warrant is therefore based on a conservative prediction, but this Article allows for change should additional funds be obtained. This Article proposes that any Chapter 70 Funds in excess of the budgeted \$3.995 million and any Transportation aid in excess of \$0.00 be allocated directly to the Schools without further appropriation. As of the printing of this Warrant, if the Governor's Budget recommendation is approved, the Schools will receive \$131,957 in additional Chapter 70 funding; if the Senate Budget is approved the Schools will receive \$146,382 in additional Chapter 70 funding; and if the House Budget recommendation is approved, the Schools will receive \$44,350 in additional Chapter 70 funding, or any combination thereof.*

*A majority vote is required for the passage of this Article.*

**Recommendation - The Finance Committee recommends favorable action on Article 9.**

## **Article 10.    Appropriate Chapter 90 Funds.**

To see if the Town will appropriate, directly for expenditure by the Public Works Department, for such purposes as may be approved by Massachusetts Highway Department for capital expenditures, all Highway Aid received from the Commonwealth during Fiscal Year 2007, in accordance with Chapter 90 of the Massachusetts General Laws.

Article 10 - Appropriate Chapter 90 Funds Explanation:

*Chapter 90 Aid from the Commonwealth can be used only for the paving or reconstruction of roads and related capital projects and purposes, not for general Highway operations. These monies are separate from the Budget cycle and made available to municipalities by drawdown against invoices for projects or purchases approved in advance by MassHighway.*

*A majority vote is required for the passage of this Article.*

**Recommendation - The Finance Committee recommends favorable action on Article 10.**

## **Article 11. Appropriate Funds to the Land Acquisition Fund**

To see if the Town will appropriate **\$10,000** and add said amount to the Conservation Land Acquisition Fund.

### Article 11 - Appropriate Funds to the Land Acquisition Fund Explanation:

*This Article would appropriate \$10,000 to the land Acquisition Fund to be expended by the Conservation Commission. This fund is used for costs associated with permanently protecting open space. It would allow the Commission to conduct appraisals in a timely manner to qualify for grants and to assist property owners who would like to donate conservation restrictions on their land.*

*The funding source presented at the Town Meeting will determine what vote percentage is required for the passage of this Article.*

**Recommendation - The Finance Committee DOES NOT recommend favorable action on Article 11.**

## **Article 12. Amend Wage & Salary Classification Plan and Appropriate Salary Adjustments**

To see if the Town will a) amend its Salary Classification Plan, most recently amended under Article 10 of the Warrant for the Annual Town Meeting held on June 13, 2005, by adding the position of Board of Appeals Secretary under Grade 4, as set forth in Appendix A; b) amend its Salary & Wage Scale, most recently amended under Article 10 of the Warrant for the Annual Town Meeting held on June 13, 2005, as set forth in Appendix B, by increasing the rates of pay for each Grade and Step by two percent (2%), effective July 1, 2006, as set forth in Appendix C, and c) transfer from available funds **\$48,000** to be expended by the respective Departments, in order to fund the said percentage increase and merit increases for elected personnel, and all contractual and non-contractual, non-union employees of the Town who are not employees of the Shirley School Department as identified in Article 6 of this Warrant, and to provide a two-percent (2%) cost of living increase effective July 1, 2006 and a two and one-quarter percent (2¼%) merit increase upon the anniversary of their employment to the Town Clerk and the Town Collector for Fiscal Year 2007.

### Article 12 - Amend Wage & Salary Classification Plan and Appropriate Salary Adjustments Explanation:

*The Town adopted a Wage & Salary Classification Plan, including a Wage Scale, at the 1998 Annual Town Meeting and has been revised regularly.*

*This Article proposes three different actions:*

- a) *Amend the Salary Classification Plan by adding the Board of Appeals Secretary within Grade 4. In the past, the ZBA Secretary has received a weekly stipend for her efforts work. Due to the increase in volume of Special Permits received, the ZBA requested that the Secretary's stipend be increased. After discussions, it was recommended that the ZBA Secretary's be place on the Classification Plan like all other support staff in government.*
- b) *As in FY06, the Selectmen and the Finance Committee are recommending for FY07 a 2% COLA adjustment for municipal employees. The FY06 Wage Scale (Appendix B) will be increase effective July 1, 2006 by 2%, which is reflected in the Appendix C. The Selectmen and the Finance Committee are also*

*recommending a Merit Increase upon the anniversary of employment for non-contractual, non-union, non-collective bargaining, non-School employees of the Town.*

- c) *Finally, this Article further authorizes and appropriates \$48,000 to be expended by the respective Departments, in order to fund the percentage increase and merit increases associated with paragraph b) of this Article, and for increases for all elected personnel, and all contractual and non-contractual, non-union, non-school employees of the Town as identified in Article 6 of this Warrant. Please note that union and collective bargaining (Police Department, Department of Public Works, Communications Department, and Fire Department), and School employee's adjustments are incorporated within their respective line items in Article 6.*

*A majority vote is required for the passage of this Article.*

**Recommendation:**      ***The Finance Committee recommends favorable action on Article 12.***

### **Article 13. Approve Five-Year Capital Improvement Program**

To see if the Town will approve the Capital Improvement Program for the coming Fiscal Year and the ensuing four years as set forth hereunder.

*Article 13 -Approve Five-year Capital Improvement Program Explanation:*

*This Article summarizes and organizes the capital costs (over \$10,000) projected for the next five years. The Finance Committee compiles the Capital Improvement Program with the guidance and assistance of the Treasurer. Additionally, in accordance with Town By-Law, this capital spending and the associated Debt Service must be a percentage of the Town's Total Operating Budget.*

*A majority vote is required for the passage of this Article.*

**Recommendation:**      ***The Finance Committee recommends favorable action on Article 13.***

# Town Of Shirley FY07 Capital Plan

ITEM	FY07	FY08	FY09	FY10	FY11	5 Yr Total	Annual Average
<b>DPW</b>							
Turf Maint Tractor 1 (355D)		\$10,000				\$10,000	
Turf Maint Tractor 2 (355D)			\$10,300			\$10,300	
Turf Maint Tractor 3 (355D)				\$11,000		\$11,000	
Turf Maint Tractor 4 (ZTRAC)					\$18,000	\$18,000	
4x4 Pickup with Plow+Frame 1					\$56,000	\$56,000	
4x4 Pickup with Plow+Frame 2		\$50,000				\$50,000	
1 Ton Small Dump w/Plow Rig 1				\$60,000		\$60,000	
1 Ton Small Dump w/Plow Rig 2					\$61,500	\$61,500	
Reconstruct Townsend Road from 2A to #53	\$133,633					\$133,633	
Sidewalk Plow w/Sander & Snowblower	\$125,000					\$125,000	
Rehabilitate Lean-to Storage @Base-2		\$25,000				\$25,000	
Equipment & Rack Storage System @Base-1			\$10,000			\$10,000	
35000 GVW Dump Truck w/Sander & Plow setup 1		\$122,000				\$122,000	
35000 GVW Dump Truck w/Sander & Plow setup 2			\$127,000			\$127,000	
35000 GVW Dump Truck w/Catch Basin Cleaner					\$175,000	\$175,000	
Backhoe Loader w/Plow setup				\$140,000		\$140,000	
<b>DPW Sub-Total</b>	\$258,633	\$207,000	\$147,300	\$211,000	\$310,500	\$1,134,433	\$226,887
<b>Town Buildings/Facilities</b>							
Center Town Hall Exterior Paint	\$25,000					\$25,000	
Center Town Hall Annex			\$315,000			\$315,000	
Town Betterments		\$50,900	\$50,800	\$50,700	\$50,600	\$203,000	
Replace Carpeting Town Offices		\$20,000				\$20,000	
Replace Copiers, Town Offices	\$12,000		\$15,000			\$27,000	
<b>Library</b>							
Carpet/Flooring	\$35,000					\$35,000	
<b>Town Sub-total</b>	\$72,000	\$70,900	\$380,800	\$50,700	\$50,600	\$625,000	\$125,000
<b>LURA A . WHITE SCHOOL</b>							
Renovation Study							
Heating and Envelope Upgrades -1936 LAW		\$192,245				\$192,245	
Window Replacement -1936 LAW		\$189,250				\$189,250	
Duplex Fuel Transfer -1936 LAW		\$11,833				\$11,833	
Domestic Water upgrade -1936 LAW		\$22,756				\$22,756	
Exterior Door Replacement -1936 LAW		\$37,320				\$37,320	
Walkway Renovation -1936 LAW		\$12,744				\$12,744	
Site Power Upgrade - LAW Site		\$146,551				\$146,551	
Emergency Generator - LAW Site		\$91,025				\$91,025	
Expanded Fire Alarm System - LAW Site			\$24,377			\$24,377	
Major Renovation -1936 LAW			\$1,616,034			\$1,616,034	
Window Replacement -1958 Admin				\$198,669		\$198,669	
Exterior Door Replacement -1958 Admin				\$74,744		\$74,744	
Window Replacement -1958 Class Rm. Link				\$150,647		\$150,647	
Kitchen Renovation -1958 Admin					\$368,023	\$368,023	
Walkway and Pavement work -1958 Admin			bgv		\$9,698	\$9,698	
Major Renovation -1958 Admin					\$742,487	\$742,487	
Clock System - LAW Site					\$48,464	\$48,464	
PA system - LAW Site					\$50,638	\$50,638	
<b>LAW Sub-Total</b>	\$0	\$703,724	\$1,640,411	\$424,060	\$1,219,310	\$3,987,505	\$797,501

# Town Of Shirley FY07 Capital Plan

ITEM	FY07	FY08	FY09	FY10	FY11	5 Yr Total	Annual Average
<b>CENTER SCHOOL</b>							
Central heating & ventilation unit & hot water radiation				\$16,955	\$188,393	\$205,348	
Reroof	\$23,700					\$23,700	
<b>SHIRLEY MIDDLE SCHOOL</b>							
Trane Tracer Building Control Upgrade	\$75,000					\$75,000	
<b>DISTRICT-WIDE</b>							
Educational/Administrative technology equipment upgrades	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$125,000	
<b>Other School Sub-Total</b>	\$123,700	\$25,000	\$25,000	\$41,955	\$213,393	\$429,048	\$85,810
<b>School Total</b>	\$123,700	\$728,724	\$1,665,411	\$466,015	\$1,432,703	\$4,416,553	\$883,311
ITEM	FY07	FY08	FY09	FY10	FY11	5 Yr Total	Annual Average
<b>POLICE</b>							
Public Safety System Upgrade	\$80,000					\$80,000	
Station addition		\$150,000				\$150,000	
New flooring		\$10,000				\$10,000	
Cruiser		\$31,200				\$31,200	
Cruiser			\$32,500			\$32,500	
Cruiser				\$33,800		\$33,800	
Cruiser					\$35,200	\$35,200	
<b>Police Sub-total</b>	\$80,000	\$191,200	\$32,500	\$33,800	\$35,200	\$372,700	\$74,540
<b>FIRE</b>							
Ladder Truck Refurbishment		\$150,000				\$150,000	
Command Car			\$40,000			\$40,000	
Protective Gear				\$35,000		\$35,000	
Air packs				\$20,000		\$20,000	
Rescue Truck					\$200,000	\$200,000	
<b>Fire Sub-Total</b>	\$0	\$150,000	\$40,000	\$55,000	\$200,000	\$445,000	\$89,000
<b>Technology</b>							
Town-wide technology upgrades (Replace/upgrade PCs, Servers, Printers, Switches/Routers)		\$75,500			\$75,500	\$151,000	
<b>Technology Sub-total</b>	\$0	\$75,500	\$0	\$0	\$75,500	\$151,000	\$30,200
<b>TOTAL</b>	\$534,333	\$1,423,324	\$2,266,011	\$816,515	\$2,104,503	\$7,144,686	\$1,428,937

## **Article 14. Appropriate for Capital Improvements for FY07 by a Transfer from Available Funds**

To see if the Town will appropriate the following sums of money, to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described; such appropriation to be provided by funds received from the Commonwealth associated with the annual “MCI-Mitigation” reimbursement funds:

### **A. DPW – Repair of Old Salt Shed**

Amount: \$5,500  
Funds to be expended by: Department of Public Works  
Purpose: To perform structural repairs to the DPW Old Salt Shed

#### Article 14 -Appropriate for Capital Improvements for FY07 by a Transfer from Available Funds Explanation:

*This Article proposes that the Town pay cash from available funds in order to undertake certain items in the Capital Improvement Program during the coming Fiscal Year. The item listed in this Article does not meet the borrowing criteria, based on its useful life or amount of expense.*

*A majority vote is required for the passage of this Article.*

**Recommendation:**     *The Finance Committee recommends favorable action on Article 14.*

## **Article 15. Appropriate for Capital Improvement Program for FY07 by Borrowing.**

To see if the Town will appropriate the following sums of money, to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described;

And, to meet such appropriations, authorize the Treasurer, with the approval of the Selectmen, to borrow not exceeding said sums, and to issue bonds or notes of the Town therefor, in accordance with the referenced provisions of the Massachusetts General Laws as amended, or otherwise;

### **A. Department of Public Works – Reconstruct Townsend Road**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 5, or otherwise.

Amount: \$133,633  
Funds to be expended by: Department of Public Works  
Purpose: Reconstruct the Southern Portion of Townsend Road

### **B. Department of Public Works – Sidewalk Plow with Sander and Snowblower**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 9, or otherwise.

Amount: \$125,000  
Funds to be expended by: Department of Public Works  
Purpose: Purchase of a Sidewalk Plow with Sander and Snowblower

### **C. Police Department – Public Safety System Upgrade**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clauses 28 and 29 or otherwise.

Amount: \$80,000

Funds to be expended by: Police Department

Purpose: For the costs associated with the replacement, improvements, including parts/materials and services, associated with the upgrade of the Public Safety Computer System and necessary infrastructure at the Police Station and Fire Department

**D. Center Town Hall Committee – Exterior Improvements**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 3A, or otherwise.

Amount: \$25,000

Funds to be expended by: Center Town Hall Committee

Purpose: For all costs, including materials and labor, associated with the repair and painting of the exterior of the Center Town Hall

**E. Public Buildings – Photocopier Replacement**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 9, or otherwise.

Amount: \$12,000

Funds to be expended by: Board of Selectmen

Purpose: For all costs associated with the replacement of the 2<sup>nd</sup> floor copy machine in the Town Office Building

**F. Hazen Memorial Library – Replacement of Carpeting**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 3A, or otherwise.

Amount: \$35,000

Funds to be expended by: Board of Library Trustees

Purpose: For all costs associated with the replacement of the carpeting in the Hazen Memorial Library

**G. School District – Replace the Roof at the Center School**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 3A, or otherwise.

Amount: \$23,700

Funds to be expended by: School Committee

Purpose: For all costs, including materials and labor, associated with the replacement of the roof at the Center School

**H. School District – Middle School Control System Upgrade**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 3A, or otherwise.

Amount: \$75,000  
Funds to be expended by: School Committee  
Purpose: For all costs associated with the upgrade of the Trane Tracer Building Control System at the Shirley Middle School

## **I. School District – Technology Upgrade/Replacement**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clauses 28 and 29, or otherwise.

Amount: \$25,000  
Funds to be expended by: School Committee  
Purpose: For costs associated with upgrade and/or replacement of the programmatic technology equipment of the Shirley School District

### Article 15 - Appropriate for Capital Improvement Program for FY07 by Borrowing Explanation:

*This Article proposes that the Town borrow in order to undertake certain items in the Capital Improvement Program during the upcoming Fiscal Year. The items designated to be financed were selected based on the present need, the dollar amounts, and the length of useful life.*

*Because Article 15 requires borrowing, a two-thirds (2/3) vote is required for the passage of this Article.*

**Recommendation:**      *The Finance Committee recommends favorable action on Article 15.*

## **Article 16. Authorize Transfers for Managing Debt.**

To see if the Town will authorize the Treasurer, with the approval of the Selectmen and the Finance Committee, to transfer funds among the Line Items #711, Debt Service (Long-term Principal and Interest and Short Term Interest) and Line #712, Debt Issue Cost (Expense) in the Budget for Fiscal Year 2007; provided that such transfers remain within the total appropriations for these Line Items and Sub-accounts.

### Article 16 - Authorize Transfers for Managing Debt Explanation:

*The Town Treasurer will borrow on a short-term basis (fewer than 2 years) for relatively small items in the Capital Improvement Program until they total \$1 million, when he will “roll” them into a long-term (3 or more years) bond issue. Interest rates and debt-issue costs are more advantageous at the \$1 million level.*

*For multi-million-dollar projects, the Treasurer may borrow short term until all the bills are in. When the total actual cost is certain, net of any up-front reimbursements, the short-term notes will similarly be “rolled over”. The Treasurer knows generally when these consolidations are likely to occur, but it is neither possible nor wise to establish any more than a target date in advance. Delays happen beyond his control, and market conditions may dictate acceleration or deferral.*

*The Treasurer becomes locked into Line Items in the Budget for short-term and long-term debt. As a result, it is advisable for the Town to provide a controlled measure of flexibility in financial management, the purpose of this Article. If more short-term interest must be expended during a particular fiscal year, less long-term interest will be, and vice versa. There is also a relationship between when the Town issues long-term debt and when the first payment of principal is due.*

*A majority vote is required for the passage of this Article.*

**Recommendation:**      *The Finance Committee recommends favorable action on Article 16.*



## **Article 17. Renew Limited Additional Property Tax Exemption for Qualified Persons.**

To see if the Town will accept the provisions of Chapter 73, Section 4, of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, to allow an additional property tax exemption, which shall be uniform for all exemptions, but not to exceed more than a 100% additional property tax exemption, for Fiscal Year 2007, for those who qualify (persons who are blind, infirm, orphaned, over 70 years of age, widowed, etc.) under Chapter 59, Section 5, of the Massachusetts General Laws.

### Article 17 - Renew Limited Additional Property Tax Exemption for Qualified Persons Explanation:

*The Commonwealth allows certain exemptions and abatements in connection with local real estate taxes. These relate to the age, disability, or financial circumstances of the taxpayers. Some of these exemptions and abatements are automatic; others require the Board of Assessors or Town Meeting approval. This Article authorizes the Assessors to grant these tax exemptions for those who qualify under M.G.L.*

*A majority vote is required for the passage of this Article.*

**Recommendation:**      *The Finance Committee recommends favorable action on Article 17.*

## **Article 18. Establish Departmental Revolving Funds.**

To see if the Town will establish or re-establish the following Departmental Revolving Funds for Fiscal Year 2007 in accordance with Chapter 44, Section 53 E 1/2, of the Massachusetts General Laws:

### **A. Council on Aging Van Service (Renew).**

Fiscal Year Expenditure Limit: \$43,000

Authorized Department: Council on Aging.

Program or Purpose: Van Service for transporting the elderly and disabled.

Revenue Source: Fees, Fares or Reimbursement from Montachusett Regional Transportation Authority.

### **B. Advertising & Postage Costs Advanced by Applicants (Renew).**

Fiscal Year Expenditure Limit: \$5,000

Authorized Department: Relevant Departments

Program or Purpose: Pass-through account for legal advertisements and postage funded by applicants for licenses, permits, etc.

Revenue Source: Charges, costs, and fees advanced or reimbursed by applicants in connection with applications for licenses, permits, variances, or other matters.

### **C. Dog Licensing & Other Expenses (Renew).**

Fiscal Year Expenditure Limit: \$5,000

Authorized Department: Town Clerk, Dog Officer.

Program or Purpose: Dog Licensing & other expenses relating to dogs.

Revenue Source: Fees for licensing dogs.

### **D. Boarding & Caring for Impounded Dogs (Renew).**

Fiscal Year Expenditure Limit: \$5,000

Authorized Department: Police Department.  
Program or Purpose: Boarding and caring for impounded dogs.  
Revenue Source: Fines and payments by owners for boarding dogs.

**E. Transportation for "Choice-In" Students (Renew).**

Fiscal Year Expenditure Limit: \$11,000  
Authorized Department: School District  
Program or Purpose: Reimbursement to parents or guardians for transportation of children attending school in Shirley under "School Choice".  
Revenue Source: State Reimbursement

**F. Wetlands By-law Expenses (Renew).**

Fiscal Year Expenditure Limit: \$25,000  
Authorized Department: Conservation Commission.  
Program or Purpose: Pass-through account for expert engineering and consulting services retained by the Conservation Commission for review of applications under the Wetlands By-law.  
Revenue Source: Costs and fees advanced by applicants.

**G. Fees for Deputy Collector (Renew).**

Fiscal Year Expenditure Limit: \$15,000  
Authorized Department: Town Collector.  
Program or Purpose: Pass-through account to pay statutory fees earned by the Town's Deputy Collector (independent contractor).  
Revenue Source: Fees added to and paid with overdue bills.

**H. Fees & Expenses of Field Driver (Renew).**

Fiscal Year Expenditure Limit: \$2,000  
Authorized Department: Police Department.  
Program or Purpose: Pass-through account for paying the fees and expenses of the Town's Field Driver.  
Revenue Source: Charges assessed to owners for collecting, transporting, and impounding their strayed animals.

**I. Fees & Expenses of Police Lock-up (Renew).**

Fiscal Year Expenditure Limit: \$5,000  
Authorized Department: Police Department.  
Program or Purpose: Pass-through account for providing lock-up facilities to other governmental entities.  
Revenue Source: Fees paid for use of cells.

**J. Expenses of Planning Board (Renew).**

Fiscal Year Expenditure Limit: \$40,000

Authorized Department: Planning Board.  
Program or Purpose: Pass-through account for expert engineering, other consulting services & for legal advertising required & expenses incurred by the Planning Board for review of applications under its Subdivision Control Regulations.  
Revenue Source: Costs and fees advanced by applicants.

**K. Expenses of Recycling (Renew)**

Fiscal Year Expenditure Limit: \$3,000  
Authorized Department: Board of Health.  
Program or Purpose: Pass-through account for expenses of recycling cardboard, glass, metals, paper, plastics, etc.  
Revenue Source: Payments for recycled materials.

**L. Expenses of Recreational Fields (Renew)**

Fiscal Year Expenditure Limit: \$25,000  
Authorized Department: Recreation Fields Committee  
Program or Purpose: For the costs of maintenance, equipment & supplies, renovation and/or improvements to any and all Town owned Recreation fields, including related design services  
Revenue Source: Fees, Donations, Gifts

**M. Fees, Full Day Kindergarten (Renew)**

Fiscal Year Expenditure Limit: \$45,000  
Authorized Department: School Committee.  
Program or Purpose: For the additional costs of operation of the full day kindergarten.  
Revenue Source: Fees, donations, and/or reimbursement

Article 18 - Establish Departmental Revolving Funds Explanation:

*Some of the Town's governmental functions are able to produce enough revenue, through fees, grants, and the like, to support particular expenses. Formerly the Town had to raise the expense money at Town Meeting and then, behind the scenes, offset the appropriation with estimated receipts in order to keep the tax rate at a minimum. More recently State law has provided for the use of revolving funds, and now this Article has become a standard one in Shirley.*

*The result is essentially the same, but the balancing is demystified. The voter can clearly see what is happening, rather than worry whether a particular revenue stream is truly being used to fund the service for which it is received vs. some other unrelated function. The law requires that revolving funds generally be voted at an Annual Town Meeting and renewed annually. Each fund is limited to 1% of the Town's tax levy.*

*A majority vote is required for the passage of this Article.*

**Recommendation:**     *The Finance Committee recommends favorable action on Article 18.*

**Article 19. Transfer to the Stabilization Fund for FY07.**

To see if the Town will transfer a sum of money to the Stabilization Fund of the Town, by a transfer from available funds.

Article 19 - Transfer to the Stabilization Fund Explanation:.

*This Article transfers to the Stabilization Fund surplus funds realized as a result of any other actions taken in the previous Articles of this Warrant. Additionally, should additional revenues be recognized or State Aid increase after the signing of this Warrant, the Town has the means, through this Article, to “capture” those revenues with this Article and deposit those receipts into the Stabilization Fund*

*A 2/3rds Vote is required for passage of this Article.*

**Recommendation:**      *The Finance Committee recommends favorable action on Article 19.*

## **Article 20. Federal and State Grants**

To see if the Town will authorize the Selectmen to apply for Federal and State grants for which the Town is or may be eligible, and to accept and expend the funds received thereunder.

### Article 20 - Federal and State Grants Explanation:

*This article authorizes the Selectmen to apply for Federal and State grants for which the Town may be eligible, and to accept and expend said funds in accordance with the terms and conditions of the grants received.*

*A majority vote is required for the passage of this Article.*

**Recommendation:**      *The Finance Committee recommends favorable action on Article 20.*

## **Article 21. Accept Oakes Landing**

To see if the Town will accept as a public Town way a certain road shown as Oakes Landing on subdivision Plan entitled, “Oakes Landing, Definitive Subdivision Plan of Land in Shirley and Lunenburg, Mass. Prepared for Oakes Landing Realty Trust, Scale 1”=40’, August 2000 recorded with Middlesex South Registry of Deeds on March 12, 2003 as Plan No. 608 of 2003 and Worcester North Registry of Deeds on March 12, 2003 as Plan No. 174 of 2003”, approved by the Planning Board, a copy of which is on file in the office of the Town Clerk,

And authorize the Town to acquire, by gift, purchase, or eminent domain, for highway purposes, the fee and any lesser interests, including easements for drainage or otherwise, in, on, over, under, through, or appurtenant to said way.

### Article 21- Accept Oakes Landing Explanation:

*When the construction of a road in an approved subdivision has been completed to the satisfaction of the Planning Board and Public Works Director, the road is presented to Town Meeting for acceptance. This is necessary if the road is to become a Town way, open to the public.*

*When a road is accepted as a Town way, the general public gains access to it. However, the Town becomes responsible for its maintenance, including plowing. Residents on the accepted roadway are further benefitted in that School buses, the US mail service, and trash collection trucks will now come down the road.*

*A majority vote is required for the passage of this Article.*

**Recommendation:**      *The Finance Committee recommends favorable action on Article 21, subject to the approvals of the Department of Public Works Director, Conservation Commission and the Planning Board.*

## Article 22. Accept August Lane

To see if the Town will accept as a public Town way a certain road shown as August Lane on subdivision Plan entitled, "Countryside Acres, Definitive Subdivision Plan of Land in Shirley, MA prepared for Virginia D. Rettburg, Scale 1"=40', May 2002 drawn by David E. Ross Associates, Inc. recorded with Middlesex South Registry of Deeds on July 13, 2003 as Plan No. 623 of 2003" approved by the Planning Board, a copy of which is on file in the office of the Town Clerk,

And authorize the Town to acquire, by gift, purchase, or eminent domain, for highway purposes, the fee and any lesser interests, including easements for drainage or otherwise, in, on, over, under, through, or appurtenant to said way.

### Article 22- Accept August Lane Explanation:

*When the construction of a road in an approved subdivision has been completed to the satisfaction of the Planning Board and Public Works Director, the road is presented to Town Meeting for acceptance. This is necessary if the road is to become a Town way, open to the public.*

*When a road is accepted as a Town way, the general public gains access to it. However, the Town becomes responsible for its maintenance, including plowing. Residents on the accepted roadway are further benefitted in that School buses, the US mail service, and trash collection trucks will now come down the road.*

*A majority vote is required for the passage of this Article.*

**Recommendation:**      *The Finance Committee recommends favorable action on Article 22, subject to the approvals of the Department of Public Works Director, Conservation Commission and the Planning Board.*

## Article 23. Protective Zoning By-Law Amendment: Great Road West Mixed-Use District

To see if the Town will vote to amend the Protective Zoning Bylaw by deleting in Section 13 the following paragraph under the heading Commercial Districts:

Great Road West Mixed-Use District: starting on the northerly side of Great Road (Rte. 2A) at the juncture with Going Road; thence northerly along the western property line of Assessors' Parcel 78-A-2 as shown on the Assessors' Maps dated January 1, 2005; thence easterly along Parcel 78-A-2 and 78-A-3; thence southerly along the property line of Parcel 78-A-3 to the center line of Great Road (Rt 2A); thence easterly to the eastern most property line of Parcel 73-A-4; thence southerly along the property lines of Parcel 73-A-4, 73-A-1; thence westerly along the property line of Parcel 73-A-1 73-A-1.2 to the AT&T easement, then westerly along the southern most property line of Parcel 76-B-3.1 until said line comes to the eastern most property line of 75-A-3.1; thence northeasterly along the property line of Parcel 75-A-3.1 to Going Road; thence easterly along Going Road to the starting point at the juncture of Great and Going Roads.

And replacing it with the following:

Great Road West Mixed-Use District: starting on the northerly side of Great Road (Rte. 2A) at the juncture with Going Road; thence northerly along the western property line of Assessors' Parcel 77-A-5.1 as shown on the Assessors' Maps dated January 1, 2005; thence southerly to the rear property line of Parcel 78-A-2; thence easterly along Parcel 78-A-2 and 78-A-3; thence southerly along property line of Parcel 78-A-3 to the center line of Great Road (Rt 2A); thence easterly to the eastern most property line of Parcel 73-A-4; thence southerly along the property lines of Parcel 73-A-4, 73-A-1; thence westerly along the property line of Parcel 73-A-1 73-A-1.2 to the AT&T

easement, then westerly along the southern most property line of Parcel 76-B-3.1 until said line comes to the eastern most property line of 75-A-3.1; thence northeasterly along the property line of Parcel 75-A-3.1 to Going Road; thence easterly along Going Road to the starting point at the juncture of Great and Going Roads.

Article 23 - Protective Zoning By-Law Amendment: Great Road West Mixed-Use District Explanation:

*This amendment serves to fix an inadvertent mistake made in the description of the Great Road West Mixed Use District under the heading "Commercial Districts" in Section 13 of the Protective Zoning Bylaws. When describing the district boundaries for the November 2005 Special Town Meeting, a parcel (77-A-5.1), known formerly as the Shell Club, was left out and ultimately caused the property to be rezoned as a residential parcel. There was never intent to make this parcel residential. Through this Article, the parcel will be zoned as commercial property as it was intended.*

*A two-thirds (⅔) vote is required for passage.*

**Recommendation:**      *The Planning Board recommends favorable action on Article 23.*  
                                 *The Finance Committee recommends favorable action on Article 23.*

## **Article 24 – Adopt the Protective Zoning Bylaw 2005 Format**

To see if the Town will vote to adopt the Protective Zoning Bylaw 2005 format of sections, titles, and page numbering as shown in the cover page and table of contents contained in Appendix D of this Warrant and fully shown in a complete copy on file in the office of the Town Clerk; or take any other action relative thereto.

Article 24 – Adopt the Protective Zoning Bylaw 2005 Format Explanation:

*The Protective Zoning Bylaw 2005 is a compilation the initial 1994 approved Zoning Booklet and incorporates all zoning and amendments that have occurred since 1994 through the November 2005 Special Town Meeting. This printed booklet has had no substantive changes since the last accepted amendment in 2005. The ultimate purpose is to have a complete organized and updated zoning bylaw book for use by all town departments, boards, and committees as well as attorneys and engineers representing potential applicants.*

*A two-thirds (⅔) vote is required for passage.*

**Recommendation:**      *The Planning Board recommends favorable action on Article 24.*  
                                 *The Finance Committee recommends favorable action on Article 24.*

## **Article 25. Purchase of McCarthy Property**

To see if the Town will vote to appropriate \$750,000, to be expended by the Conservation Commission, for acquiring by purchase, gift, eminent domain, or otherwise, for conservation purposes, a portion of two parcels of land identified as Assessor's Map-Block-Parcel 54-A-2.0 and 54-A-2.1 on Holden Road, presently owned by Patricia M. McCarthy, containing 46.0 acres, more or less, with the exception of a single 5-acre lot, plus or minus, as set forth in Appendix E ;

and to meet this appropriation, authorize the Treasurer, with the approval of the Selectmen, to borrow not exceeding said sum, reduced by such contributions and grants as may be received, and to issue bonds or notes therefor, in accordance with the provisions of Chapter 44, Section 8C , or otherwise, of the Massachusetts General Laws, as amended;

and to provide that said land be conveyed to the Town under the provisions of Massachusetts General Laws, Chapter 40, Section 8C , and as it may hereafter be amended and other Massachusetts Statutes relating to Conservation, to be controlled by the Shirley Conservation Commission, and to authorize the Conservation Commission and the Board of Selectmen to grant a conservation restriction on said land to the Trustees of Reservations, and authorize the Conservation Commission to file on behalf of the Town any and all applications

deemed necessary under the Self-Help Act (Chapter 132A, Section 11) and/or any other legislation or programs in any way connected with the scope of this Article, and authorize the Board of Selectmen and Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase;

provided, however, that no bonds or notes of the Town shall be issued unless and until the Town shall have been awarded a grant by the Division of Conservation Services, Executive Office of Environmental Affairs, Commonwealth of Massachusetts, under its Self-Help Program for this purpose, and provided further that the Town's matching portion to support the Self-Help Grant shall be provided by donations received, exclusive of municipal taxation.

*Article 25 - Purchase of McCarthy Property Explanation:*

*This article will allow the Town to purchase approximately 40 acres off Holden Road. The Trustees of Reservations (The Trustees), a nonprofit organization, will purchase the entire property from Patricia McCarthy. The Trustees currently own the abutting Farandnear Property off Center Rd. The town will apply for a Self-Help Grant, and if the Town is successful in receiving the grant, will in turn purchase the property (with the exception of the existing 5 acre house lot) from The Trustees. The Trustees will receive a conservation restriction on the property and will spearhead a campaign to receive donations for the Town's match of the Self-Help Grant. The land **will not be purchased** by the Town if the Town does not receive the Self-Help Grant or 100% of the Town's matching contributions from the Trustees or through donations..*

*A two-thirds (2/3) vote is required for passage.*

***Recommendation:***      ***The Finance Committee recommends favorable action on Article 25.***

## **Article 26. Sale/Conveyance of Land – Mt. Henry Road**

To see if the Town will transfer to the Board of Selectmen, for the purpose of sale, the care and custody of approximately 1.14 acres more or less of the Town owned land located on Mt. Henry Road and shown on the Shirley Assessors' Maps as parcel 17-F-6, for the purpose of renting, conveying, or otherwise disposing of said property, and to authorize the Board of Selectmen to rent, convey, or otherwise dispose of said property in accordance with such terms and conditions as are determined by the Board of Selectmen to be in the best interest of the Town; or take any other action in relation thereto.

*Article 26 - Sale/Conveyance of Land – Mt. Henry Road Explanation:*

*This Article would declare a 1.14 acre parcel located on Mt. Henry Road, currently owned by the Town as surplus, and give the Selectmen authority to convey/sell or dispose of the property in question. It is the Selectmen's intention to offer this parcel for a Habitat for Humanity, for comparable, project within the Town.*

*A two-thirds (2/3) vote is required for passage.*

***Recommendation:***      ***The Finance Committee recommends favorable action on Article 26.***

## **Article 27. Land/Easement – Lancaster Road**

To see if the Town will authorize the Board of Selectmen and/or its designee(s) to enter into negotiations and execute an agreement on behalf of the Town of Shirley with the owners of property located at 56 Lancaster Road in Shirley in order to secure the necessary property rights along Lancaster Road, either through land taking, temporary and/or permanent easements, licenses to enter, rights of way or other means as may be deemed necessary, for the purpose of constructing a pedestrian sidewalk off Lancaster Road; and authorize the Board of Selectmen to acquire such rights by gift, purchase or otherwise; and appropriate a sum money for the acquisition of such property rights.

Article 27 - Land/Easement – Lancaster Road Explanation

*This Article would authorize the Selectmen to negotiate and enter into an agreement to secure an easement for a pedestrian sidewalk located in front of 56 Lancaster Rd. It was recently learned that the sidewalk that the Town has been utilizing for years is actually on private property. This easement would formally give the Town the legal right to have the sidewalk at its current location.*

*A two-thirds (2/3) vote is required for passage.*

**Recommendation:**      ***The Finance Committee recommends favorable action on Article 27.***

\* \* \* \*

And you will serve this Warrant by posting true and attested copies of same at the Town Offices and the Hazen Memorial Library in Shirley Village, at the Center Town Hall in Shirley Center, and a like copy at the United States Post Office in Shirley Village, Seven days at least before the time appointed for said Meeting.

Hereof fail not and make due return of this Warrant with your doings therein to one of the Selectmen, on or before the date of the Meeting.

Given under our hands at Shirley, this Twenty-Second Day of May, 2006

**BOARD OF SELECTMEN**

\_\_\_\_\_  
*Leonardo M. Guercio*  
Chairman

\_\_\_\_\_  
*Charles R. Shultz, Jr.*

\_\_\_\_\_  
*David N. Swain*

A true copy.  
Attest:

\_\_\_\_\_  
*Amy R. McDougall*  
Town Clerk

\* \* \* \*



## Appendix A

### Salary Classification Plan

Grade	As of July 1, 2005 Position Title	Proposed as of July 1, 2006 Position Title
14		
13	Public Works Director	Public Works Director
12		
11	Fire Chief Police Lieutenant	Fire Chief [1] Police Lieutenant
10		
9	Accountant/ Budget Officer Treasurer/Benefits Coordinator	Accountant/ Budget Officer Treasurer/Benefits Coordinator
8	Library Director Building Inspector (full-time)	Library Director Building Inspector [2]
7		
6	Assistant Assessor Conservation Administrator Police Dept. Executive Secretary Reserve Police Officer Selectmen's Administrative Assistant	Assistant Assessor Conservation Administrator Police Dept. Executive Secretary Reserve Police Officer Selectmen's Administrative Assistant
5	Assistant Accountant Assistant Treasurer Community Development Coordinator Deputy Collector Health / Inspections Office Manager / Assistant Public Works Assistant Planning Assistant Sewer Dept. Office Manager / Assistant Assistant Librarian	Assistant Accountant Assistant Treasurer Community Development Coordinator Deputy Collector Health / Inspections Office Manager / Assistant Public Works Assistant Planning Assistant Sewer Dept. Office Manager / Assistant Assistant Librarian
4	Children's Librarian Conservation Secretary Finance Committee Administrative Secretary Selectmen's Secretary	Children's Librarian Conservation Secretary Finance Committee Administrative Secretary Selectmen's Secretary <b>Board of Appeal's Secretary [3]</b>
3		
2	Custodian Library Aide Police Matron	Custodian Library Aide Police Matron
1		

Notes:

- [1] Under Contract Effective 7/1/06
- [2] Under Contract Effective 3/1/06
- [3] Proposed to change from an Stipend Base pay to an Hourly Rate.

# Appendix B

## Town of Shirley Wage Scale FY06

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10
1 hourly annual	9.98 20,829.05	10.20 21,297.71	10.43 21,776.90	10.66 22,266.89	10.90 22,767.89	11.15 23,280.17	11.40 23,803.97	11.66 24,339.56	11.92 24,887.20	12.19 25,447.16
2 hourly annual	10.97 22,911.96	11.22 23,427.48	11.47 23,954.60	11.73 24,493.57	11.99 25,044.68	12.26 25,608.18	12.54 26,184.37	12.82 26,773.52	13.11 27,375.92	13.41 27,991.88
3 hourly annual	12.07 25,203.15	12.34 25,770.22	12.62 26,350.05	12.90 26,942.93	13.19 27,549.15	13.49 28,169.00	13.79 28,802.81	14.10 29,450.87	14.42 30,113.51	14.75 30,791.07
4 hourly annual	13.28 27,723.47	13.58 28,347.25	13.88 28,985.06	14.19 29,637.22	14.51 30,304.06	14.84 30,985.90	15.17 31,683.09	15.52 32,395.96	15.86 33,124.86	16.22 33,870.17
5 hourly annual	14.61 30,495.82	14.93 31,181.97	15.27 31,883.57	15.61 32,600.95	15.96 33,334.47	16.32 34,084.49	16.69 34,851.39	17.07 35,635.55	17.45 36,437.35	17.84 37,257.19
6 hourly annual	16.07 33,545.40	16.43 34,300.17	16.80 35,071.92	17.17 35,861.04	17.56 36,667.91	17.96 37,492.94	18.36 38,336.53	18.77 39,199.11	19.20 40,081.09	19.63 40,982.91
7 hourly annual	17.67 36,899.94	18.07 37,730.19	18.48 38,579.12	18.89 39,447.15	19.32 40,334.71	19.75 41,242.24	20.20 42,170.19	20.65 43,119.02	21.12 44,089.19	21.59 45,081.20
8 hourly annual	19.44 40,589.93	19.88 41,503.20	20.32 42,437.03	20.78 43,391.86	21.25 44,368.18	21.73 45,366.46	22.22 46,387.21	22.72 47,430.92	23.23 48,498.11	23.75 49,589.32
9 hourly annual	21.38 44,648.92	21.86 45,653.53	22.36 46,680.73	22.86 47,731.05	23.37 48,804.99	23.90 49,903.11	24.44 51,025.93	24.99 52,174.01	25.55 53,347.93	26.12 54,548.25
10 hourly annual	23.52 49,113.82	24.05 50,218.88	24.59 51,348.80	25.15 52,504.15	25.71 53,685.49	26.29 54,893.42	26.88 56,128.52	27.49 57,391.41	28.10 58,682.72	28.74 60,003.08
11 hourly annual	25.87 54,025.20	26.46 55,240.77	27.05 56,483.68	27.66 57,754.57	28.28 59,054.04	28.92 60,382.76	29.57 61,741.37	30.23 63,130.55	30.92 64,550.99	31.61 66,003.39
12 hourly annual	28.46 59,427.72	29.10 60,764.84	29.76 62,132.05	30.43 63,530.02	31.11 64,959.45	31.81 66,421.04	32.53 67,915.51	33.26 69,443.61	34.01 71,006.09	34.77 72,603.73
13 hourly annual	31.31 65,370.49	32.01 66,841.33	32.73 68,345.26	33.47 69,883.02	34.22 71,455.39	34.99 73,063.14	35.78 74,707.06	36.58 76,387.97	37.41 78,106.70	38.25 79,864.10
14 hourly annual	34.44 71,907.54	35.21 73,525.46	36.01 75,179.78	36.82 76,871.33	37.64 78,600.93	38.49 80,369.45	39.36 82,177.77	40.24 84,026.77	41.15 85,917.37	42.07 87,850.51
15 hourly annual	37.88 79,098.29	38.73 80,878.00	39.61 82,697.76	40.50 84,558.46	41.41 86,461.03	42.34 88,406.40	43.29 90,395.54	44.27 92,429.44	45.26 94,509.10	46.28 96,635.56

# Appendix C

## Town of Shirley Proposed Wage Scale FY07

↓ GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10
1 hourly	10.18	10.41	10.64	10.88	11.13	11.38	11.63	11.90	12.16	12.44
1 annual	21,255.00	21,733.24	22,222.24	22,722.24	23,233.49	23,756.24	24,290.76	24,837.30	25,396.14	25,967.55
2 hourly	11.20	11.45	11.71	11.97	12.24	12.52	12.80	13.08	13.38	13.68
2 annual	23,380.51	23,906.57	24,444.46	24,994.46	25,556.84	26,131.87	26,719.84	27,321.03	27,935.76	28,564.31
3 hourly	12.32	12.59	12.88	13.17	13.46	13.77	14.08	14.39	14.72	15.05
3 annual	25,718.56	26,297.22	26,888.91	27,493.91	28,112.52	28,745.06	29,391.82	30,053.14	30,729.33	31,420.74
4 hourly	13.55	13.85	14.17	14.48	14.81	15.14	15.48	15.83	16.19	16.55
4 annual	28,290.41	28,926.95	29,577.80	30,243.30	30,923.78	31,619.56	32,331.00	33,058.45	33,802.26	34,562.82
5 hourly	14.90	15.24	15.58	15.93	16.29	16.66	17.03	17.42	17.81	18.21
5 annual	31,119.45	31,819.64	32,535.58	33,267.63	34,016.15	34,781.52	35,564.10	36,364.29	37,182.49	38,019.10
6 hourly	16.39	16.76	17.14	17.53	17.92	18.32	18.74	19.16	19.59	20.03
6 annual	34,231.40	35,001.60	35,789.14	36,594.40	37,417.77	38,259.67	39,120.51	40,000.72	40,900.74	41,821.01
7 hourly	18.03	18.44	18.85	19.28	19.71	20.16	20.61	21.07	21.55	22.03
7 annual	37,654.54	38,501.76	39,368.05	40,253.84	41,159.55	42,085.64	43,032.56	44,000.80	44,990.81	46,003.11
8 hourly	19.84	20.28	20.74	21.21	21.68	22.17	22.67	23.18	23.70	24.24
8 annual	41,419.99	42,351.94	43,304.86	44,279.22	45,275.50	46,294.20	47,335.82	48,400.88	49,489.90	50,603.42
9 hourly	21.82	22.31	22.81	23.33	23.85	24.39	24.94	25.50	26.07	26.66
9 annual	45,561.99	46,587.14	47,635.35	48,707.14	49,803.05	50,923.62	52,069.40	53,240.96	54,438.89	55,663.76
10 hourly	24.00	24.54	25.10	25.66	26.24	26.83	27.43	28.05	28.68	29.32
10 annual	50,118.19	51,245.85	52,398.88	53,577.86	54,783.36	56,015.98	57,276.34	58,565.06	59,882.77	61,230.14
11 hourly	26.40	27.00	27.60	28.23	28.86	29.51	30.17	30.85	31.55	32.26
11 annual	55,130.01	56,370.43	57,638.77	58,935.64	60,261.69	61,617.58	63,003.98	64,421.57	65,871.05	67,353.15
12 hourly	29.04	29.70	30.37	31.05	31.75	32.46	33.19	33.94	34.70	35.48
12 annual	60,643.01	62,007.48	63,402.65	64,829.20	66,287.86	67,779.34	69,304.37	70,863.72	72,458.16	74,088.46
13 hourly	31.95	32.67	33.40	34.15	34.92	35.71	36.51	37.33	38.17	39.03
13 annual	66,707.31	68,208.22	69,742.91	71,312.13	72,916.65	74,557.27	76,234.81	77,950.09	79,703.97	81,497.31
14 hourly	35.14	35.93	36.74	37.57	38.41	39.28	40.16	41.07	41.99	42.93
14 annual	73,378.04	75,029.05	76,717.20	78,443.34	80,208.31	82,013.00	83,858.29	85,745.10	87,674.37	89,647.04
15 hourly	38.66	39.53	40.42	41.33	42.26	43.21	44.18	45.17	46.19	47.23
15 annual	80,715.85	82,531.95	84,388.92	86,287.67	88,229.14	90,214.30	92,244.12	94,319.61	96,441.81	98,611.75

## Appendix D

# PROTECTIVE ZONING BYLAWS 2005



*Official Copy Attest:* \_\_\_\_\_  
*Signature of Town Clerk*

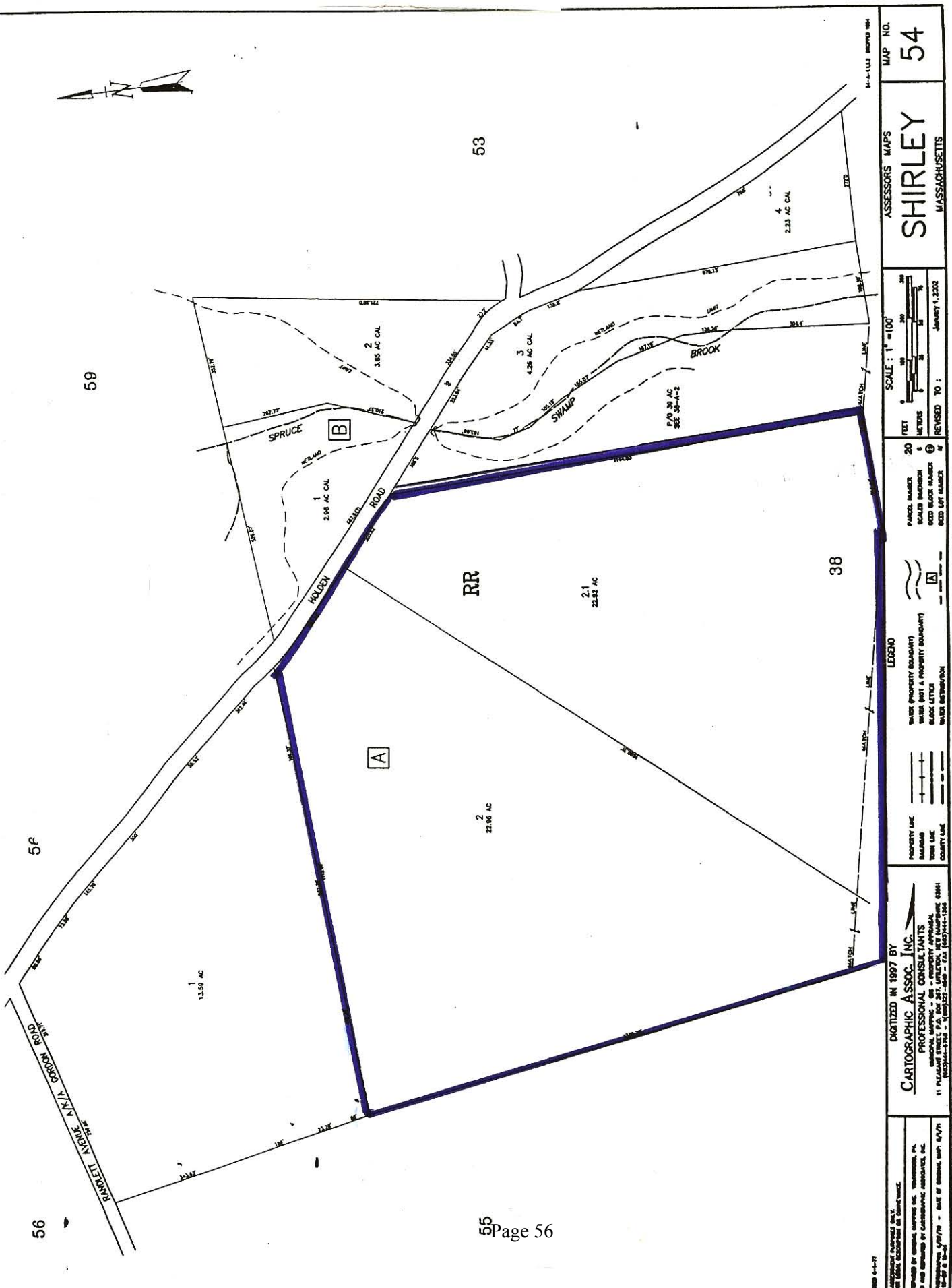
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*Affix Seal Here*

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## Appendix E





# Development Summary

Area of Lot	5.02± acres
Area of Open Space	40.86
Total Area	45.88± acres

## 1 LOT PLAN

McCarthy Property  
Holden Road  
Shirley, Massachusetts

March, 2006



Prepared by Matlock Associates, Lincoln, MA



Town Offices  
7 Keady Way  
Shirley, Ma 01464

PRESORTED  
STANDARD  
US POSTAGE PAID  
Shirley, Ma 01464  
Permit # 24

POSTAL PATRON  
SHIRLEY, MA 01464